

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:)	CASE NO: 19-40529-659
GARY L HATHAWAY)	Chapter 13
)	
)	Response Due: 05/23/2019
)	
Debtor)	

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS
AND NOTICE**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE OF WHICH WILL BE SENT TO YOU IF YOU FILE A RESPONSE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

COMES NOW Diana S. Daugherty, Standing Chapter 13 Trustee in Bankruptcy, and for her Motion to Dismiss states as follows:

1. That the above-captioned case was filed on January 30, 2019. The debtor's plan proposes to pay the sum of \$2,784.00 per month.
2. Pursuant to 11 U.S.C. § 1326(a)(1) the debtor's first payment was due on March 01, 2019.
3. That the Trustee has received payments from the debtor over the last nine months as set forth in Exhibit A, attached hereto.
4. That the amount due to the Trustee to date is \$8,352.00 but the total paid into the plan to date is \$800.00.
5. That the debtor is \$7,552.00 in default through May 02, 2019.

WHEREFORE the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

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**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO
MAKE PLAN PAYMENTS AND NOTICE**

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Dated: May 02, 2019

MTDPYM--AH

/s/ Diana S. Daugherty

Diana S. Daugherty

Standing Chapter 13 Trustee

P.O. Box 430908

St. Louis, MO 63143

(314) 781-8100 Fax: (314) 781-8881

trust33@ch13stl.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on May 02, 2019, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on May 02, 2019.

GARY L HATHAWAY
337 MISTY VALLEY DR
SAINT PETERS, MO 63376

/s/ Diana S. Daugherty

Diana S. Daugherty, Chapter 13 Trustee

EXHIBIT A

RECEIPTS FROM 08/01/2018 TO 05/02/2019

Receipt Date	Receipt Amount	Receipt Type
03/27/2019	\$800.00	MONEY ORDER FROM DEBTOR